

REMARKS/ARGUMENTS

Reconsideration of this application in light of the above amendments and following comments is courteously solicited.

Applicants by the instant amendment has incorporated the subject matter of previously submitted dependent claim 6 into independent claim 1. The foregoing amendment does not raise new issues and therefore is properly entered at this stage of prosecution.

It is submitted that independent claim 1 patentably defines over the art of record for the reasons set forth hereinbelow.

The Examiner rejected previously submitted claims 1 and 3-6 under 35 U.S.C. 103 as being unpatentable over Housefield et al. ('823) in view of the newly cited reference to Anderson et al. ('581). Applicants respectfully traverse the Examiner's rejection.

Initially it should be noted that independent claim 1 sets forth a meter body having an upper receiving hole and a lower receiving hole. The meter body is a hand-held portable dual blood glucose meter. The Examiner in an effort to meet the limitation of a meter body having an upper and lower receiving hole sets forth the following:

"...It is interpreted by the examiner that when the tester is docked in the base, this is considered to be the meter body and the upper receiving hole is the port for receiving the test strip on the meter and the lower receiving hole is the slot that is designed to receive and retain the test strip..."

Clearly when the tester 14 of Housefield is received in the base 12 of Housefield the apparatus no longer constitutes a hand-held portable device. It is submitted that claim 1 structurally defines over the Housefield et al. reference at setting forth an

upper receiving hole and a lower receiving hole **formed on the upper end and lower end of the meter body.** It is respectfully submitted that while the Examiner interprets the claim as set forth above, his interpretation is not reasonable in light of the specific language of independent claim 1. For the Examiner to interpret the Housefield et al. reference in the manner set forth above, he has in essence disregarded one of the critical features of the present invention in that being the hand-held portable nature of the meter body of the present invention. Accordingly, it is respectfully submitted that the Examiner's interpretation as set forth above belies the concept of a whole clause of 35 U.S.C. 103.

In addition to the foregoing, the following should be noted with regard to the newly cited secondary reference to Anderson et al. Applicants in their response dated September 30, 2008 argued that the glucose meter of the present invention has a single microprocessor. It was argued that the previously cited Housefield et al. reference had two independent microprocessors and therefore did not meet the limitations of claim 1 as amended in the September 30, 2008 submission. The Examiner in the instant office action does admit that the Housefield et al. reference does not disclose a single measurement unit in a single microcontroller. In this regard, the Examiner has now cited the Anderson et al. reference. It is respectfully submitted that the Anderson et al. reference fails to overcome the deficiencies previously argued with respect to the Housefield et al. reference.

Anderson's portable device has a plurality of modules (one permanent module and one or more removable module) and the modules, at least glucose meter module 16, have their own microprocessor. See page 11, lines 1-9. The module 33 has it's

own motherboard. The fact that module 33 has it's own motherboard suggests that the glucose meter module 16 has created the information about glucose level. However, the glucose meter module 16 does not have it's own display unit. The information derived from the all modules including the information about glucose level are displayed through a touch screen interactive display 18 or a printer 20 (see page 10). Meanwhile, the portable device has a central processing unit (CPU) contained within the housing 12 as well as the motherboard of glucose meter module. The CPU of the portable device has it's own function to integrate the informations derived from the plurality of modules. Thus, the glucose meter of Anderson, while having a motherboard which creates information about the glucose level, does not have it's own display and therefore cannot operate independently of the base unit 10. As was the case of the Housefield et al. reference above, Anderson et al. does not teach or suggest the hand-held portable glucose meter as claimed as it does not have it's own independent display. To further emphasize the foregoing, Applicants have included in independent claim 1 the subject matter of previously submitted dependent claim 6 wherein it is set forth that a display pattern of the display unit is changed according to the receiving hole into which the measurement strip is inserted, that is either the upper receiving hole or the lower receiving hole each of which is defined as being in the meter body.

In summary, claim 1 is amended and clearly defines over the sum total teachings of the prior art references and any rejection of the Examiner based on the teachings of the Housefield et al. patent in combination with the Anderson et al. patent would belie the concept of the whole clause of 35 U.S.C. 103.

The early issuance of a formal notice of allowance is respectfully requested.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

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Date: April 7, 2009